

additional time to prepare, they are welcome to file a proposed, stipulated order to extend the dates or to otherwise move the Court.” ECF No. 19 at pg. 6.

2. During the morning of Saturday, March 30, 2019, as welcomed by this Court and in accordance with LR 7.1(a), Plaintiff requested that Defendants stipulate to an amendment of the briefing schedule and an adjournment of the evidentiary hearing. Defendants did not agree to the stipulation, thereby necessitating this Motion.

3. Specifically, Plaintiff requests: (a) that the time for Plaintiff to file its motion for preliminary injunction be extended from Sunday, March 31, 2019 at 12:00 p.m. (noon) to Wednesday, April 3, 2019 at 5:00 p.m.; (b) that the time for Defendants to file their response brief be extended from Monday, April 1, 2019 at 5:00 p.m. to Saturday, April 6, 2019 at 5:00 p.m.; and (c) that the evidentiary hearing be adjourned from Wednesday, April 3, 2019 to an appropriate time during the beginning of the week of April 8, 2019, for Plaintiff to have sufficient time to call two to three witnesses to testify at the evidentiary hearing. Plaintiff requests that the evidentiary hearing take place in the beginning of that week because Defendants’ next payroll is required to be funded on or about Thursday, April 11, 2019, and Plaintiff does not believe that Defendants are in a position to fund it.

4. Plaintiff makes this request for a number of reasons. First, on March 29, 2019, GM demanded from Defendant Sakthi Automotive Group USA, Inc. (“Sakthi Automotive”) that it provide GM with adequate assurance. GM demanded that this adequate insurance must include a daily budget from April 1, 2019 until April 12, 2019 that shows all expenses that Defendant Sakthi Automotive will pay during such time and the cash resources for such expenses. GM further demanded that documentary evidence be signed by third party cash sources that are identified in the budget, stating that they will make the identified payments to Defendant Sakthi Automotive. This budget and cash funding information from Defendant Sakthi Automotive is also highly relevant to Plaintiff with respect to the relief requested through Plaintiff’s motion filing.

5. Additionally, Plaintiff recently discovered that a witness who may be called, subject to a subpoena, from Defendants’ retained financial consultant, Huron Consulting Group, is unavailable during the afternoon of Wednesday, April 3, 2019, when the evidentiary hearing is scheduled.

6. In light of the aforementioned, Plaintiff is not in a position to submit its motion for preliminary injunction by Sunday, March 31, 2019 at 12:00 p.m. or proceed with the evidentiary hearing on Wednesday, April 3, 2019. The unavailability of information and witnesses constitutes good cause under Fed. R. Civ. P. 6(b)(1)(A) and Fed. R. Civ. P. 16(b)(4).

7. Defendants did not inform Plaintiff during their communications that Defendants would be prejudiced by the requested amendment, nor does Plaintiff believe any prejudice will be had.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Order adjourning the briefing schedule and hearing date as follows:

A. Plaintiff to file its motion for preliminary injunction and brief in support by **Wednesday, April 3, 2019 at 5:00 p.m.**;

B. Defendants to file their response brief by **Saturday, April 6, 2019 at 5:00 p.m.**

C. The evidentiary hearing be adjourned to an appropriate time during the beginning of the week of April 8, 2019; or

D. Such other dates and times the Court finds appropriate.

Dated: March 30, 2019

Respectfully submitted,

/s/ Sott N. Opincar

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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THE HUNTINGTON NATIONAL
BANK,
a National Banking Association,

Plaintiff

V.

SAKTHI AUTOMOTIVE GROUP
USA, INC., a Michigan corporation,
SAKTHI AMERICA CORPORATION,
a Michigan corporation, and SAKTHI
REAL ESTATE HOLDINGS, INC., a
Michigan corporation,

Defendants.

) Case No. 2:19-cv-10890
)
) Hon. Stephen J. Murphy, III

**PLAINTIFF’S BRIEF IN SUPPORT OF ITS MOTION TO AMEND
BRIEFING SCHEDULE AND ADJOURNMENT OF
EVIDENTIARY HEARING**

NOW COMES The Huntington National Bank, a National Banking Association and successor by merger to FirstMerit Bank, N.A. (“Plaintiff”), by and through its attorneys McDonald Hopkins LLC, and for its Brief in Support of its Motion to Amend the Briefing Schedule and for an Adjournment of the Evidentiary Hearing, states as follows:

Plaintiff hereby incorporates by reference herein its accompanying motion as well as the law and analysis set forth therein.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Order adjourning the briefing schedule and hearing date as follows:

A. Plaintiff to file its motion for preliminary injunction and brief in support by **Wednesday, April 3, 2019 at 5:00 p.m.**;

B. Defendants to file their response brief by **Saturday, April 6, 2019 at 5:00 p.m.**;

C. The evidentiary hearing be adjourned to an appropriate time during the beginning of the week of April 8, 2019; or

D. Such other dates and times the Court finds appropriate.

Dated: March 30, 2019

Respectfully submitted,

/s/ Sott N. Opincar

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CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2019, I caused the foregoing motion and brief in support to be filed with the Court using the ECF system, which will provide notice to all counsel of record.

By: /s/ Alexander A. Ayar
Alexander A. Ayar (P69623)